

Mandate:

The cooperation between the Mission and its Moldovan, Ukrainian partners is outlined in the Memorandum of Understanding (the MoU), signed on 7 October 2005. The MoU stipulates the mandate, coordination mechanisms and status of the Mission, assistance, legal responsibilities, and duration of the Mission. Although EUBAM's support/advisory role confers on it certain privileges (see below), it does not have executive powers. Furthermore, despite political instability in the Transnistrian part of Moldova having played a central role in the Mission's creation, the Mission does not intervene on a political level or play a direct role in any political process. Nevertheless, EUBAM hopes that support it can offer on a technical/advisory level, and in support of confidence-building measures, will contribute meaningfully to an eventual settlement of the conflict.

EUBAM provides on-the-job training, technical assistance and advice to the Moldovan and Ukrainian border guard and customs services, reinforcing their capacity to tackle customs fraud, detect cases of smuggling and THB (trafficking in human beings), and carry out effective border and customs controls and border surveillance. The Mission provides dedicated training courses on key customs and border-control issues such as risk analysis and anti-smuggling techniques, organises study visits to EU member States in order to observe EU best practice and engage in information exchange, and at all stages tries to encourage improved inter-agency cooperation and harmonization within each State, and on the cross-border level between the counterpart services of Moldova and Ukraine.

EUBAM conducts regular joint border patrols with its partners, as well as special joint border-control operations, the most recent of which – Tyra 2010 – resulted in a series of arrests, detections of fraud and smuggling, and investigations. EUBAM support was critical in the creation of the Pre-Arrival Information Exchange System (PAIES), which since April 2008 has given the customs services of Moldova and Ukraine a way by which they can share, quickly access, and coordinate information on imports and exports, thereby helping to tackle customs fraud and other illicit activities.

EUBAM participates in two standing working groups with the host countries' border services: one focuses on illegal migration and THB, and the other on weapons smuggling, contraband and customs fraud. It also provides neutral, technical advice on implementation of the Joint Declaration (signed by the presidents of MD and UA in Dec 2005), which introduced a new customs regime whereby companies based in the Transnistrian region of the Republic of Moldova can gain access to EU trade preferences for their exports provided they register with the customs authorities in Moldova. The pan-European Integrated Border Management (IBM) strategy is central part of the EU's security policy, and in Moldova and Ukraine EUBAM is also supporting its partners in the development of a viable IBM process. Meanwhile, a Common Border Security Assessment Report (CBSAR) allows EUBAM and its partners to identify emerging trends and assess risks along the Moldova-Ukraine border; and technical expertise is made available to partners in both countries involved in demarcating the common border.

One of the Mission's top priorities is to promote EU values and combat corruption. To this extent EUBAM is involved in a wide range of outreach activities, in particular engaging civil society and the youth of Moldova and Ukraine. The Mission communicates with border communities through road shows and school presentations on a regular basis, and disseminates public information material on border-control issues and customs procedures. The Mission also hosts anti-corruption and summer schools for university students, and has to date signed partnership agreements with six universities in Odessa, Ukraine, and Chisinau, capital of Moldova.

The Mission's aims are to:

- Contribute to enhancing the overall border and customs management capacities and the abilities of Moldova and Ukraine to fight against cross border and organised crime and to approximate the standards of the border and law enforcement authorities to those of the EU
- Assist Moldova and Ukraine in fulfilling their commitments under the European Neighbourhood Policy Action plans and partnership cooperation agreements
- Contribute to a peaceful resolution of the Transnistrian conflict

The EUBAM Mandate allows the Mission to:

- Be present and observe customs clearance and border guard checks
- As part of our advisory role, to examine border control documents and records (including computerised data)
- Provide assistance in preventing smuggling of persons and goods
- Request the re-examination and re-assessment of any consignment of goods already processed
- Make unannounced visits to any locations on the Moldovan-Ukrainian border, including border units, customs posts, offices of transit, inland police stations, revenue accounting offices and along transit routes
- Move freely within the territories of Moldova and Ukraine
- Use all roads and bridges without payment of taxes and dues
- Cross the Moldovan-Ukrainian state border with only strictly necessary control and without any delay
- Have access to appropriate telecommunications equipment
- Import and export goods which are for official use of the Mission

How do Moldovan and Ukrainian officials help facilitate our work?

- Appoint senior members of their customs and border administrations to liaise with the Mission, and ensure that appropriately qualified staff are available to work alongside the Mission staff
- Authorise Mission staff to request the head of the relevant customs or border unit to order the re-examination of certain cargoes and passengers in case of doubt
- Authorise Mission staff to perform unannounced inspections at all relevant locations, including border crossing points, inland customs houses, transit points and locations along the 'green' and 'blue' border
- Make available basic office facilities for the local offices of the Mission
- Provide all possible assistance to solve unforeseen problems which the Mission may face